

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

PAULINE TOMASZEWSKI, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:18-cv-01327

ST. ALBANS OPERATING COMPANY, LLC, et al.,

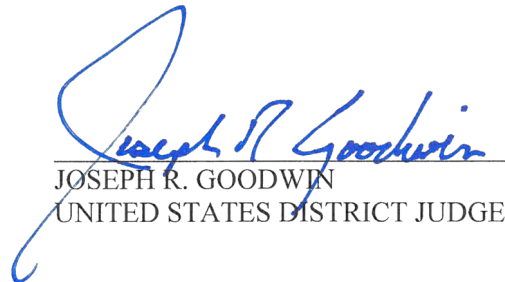
Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is a Motion to Dismiss [ECF No. 2] filed by Defendant SavaSeniorCare, LLC. The deadline to file a response to the Motion has passed, and, as of the date of this order, Plaintiff still has not filed a response. As a result, the Motion to Dismiss [ECF No. 2] is **GRANTED**. *See In re Ethicon, Inc. v. Pelvic Repair Sys. Prod. Liab. Litig.*, No. 2:13-cv-12719, 2017 WL 6345800, at *1 (S.D. W. Va. Dec. 11, 2017) (granting motion to dismiss where the plaintiffs failed to file a response); *see also Osborne v. Long*, No. 1:11-cv-00070, 2012 WL 851106, at *10 n.5 (S.D. W. Va. March 13, 2012) (referencing authority for the proposition that federal courts may grant a motion to dismiss without reaching the merits on the grounds that the plaintiff's failure to respond operates as a concession to that motion, or that dismissal is appropriate as a sanction for failure to prosecute).

The court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented party.

ENTER: November 6, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE